

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

PIT ROW INC., et al.,

Plaintiffs,

v.

Case No. 20-C-738

COSTCO WHOLESALE CORPORATION,

Defendant.

ORDER

Plaintiffs, twelve corporate entities that own and operate retail gas stations located in Green Bay, Wisconsin, brought this action against Defendant Costco Wholesale Corporation, alleging Costco violated the Wisconsin Unfair Sales Act, Wis. Stat. § 100.30, by selling regular unleaded motor vehicle fuel below the cost to the retailer. On March 30, 2023, the court granted Defendant's motion for summary judgment and dismissed the case. Judgment was entered the same day. On April 12, 2023, Defendant submitted a bill of costs. Plaintiffs filed a notice of appeal on April 26, 2023. This matter comes before the court on Plaintiffs' motion for a stay against the imposition of costs pending appeal. Although Plaintiffs do not dispute the amounts sought as being recoverable costs, they request that the court stay an award of costs. Defendant does not object to a stay of execution on any efforts to collect the sums owed on the bill of costs but asserts that the judgment of costs should be entered at this time. Plaintiffs' motion for a stay (Dkt. No. 135) is **GRANTED-IN-PART** and **DENIED-IN-PART**. The Clerk is directed to tax costs pursuant to Federal Rule of Civil Procedure 54. The payment of costs are stayed without bond pending appeal.

SO ORDERED at Green Bay, Wisconsin this 26th day of May, 2023.

s/ William C. Griesbach
William C. Griesbach
United States District Judge